

# General Export Guide to the Dominican Republic for Condiments and Sauces



May 15, 2015



# Disclaimer

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This document was produced for the United States Department of Agriculture/Foreign Agriculture Service (USDA/FAS) in Santo Domingo, Dominican Republic by the law firm Headrick, Rizik, Álvarez & Fernández, (<http://www.hrafdom.com>) under the ***Emerging Markets Project (EMP)/DR Import Requirements for Food & Agricultural Products.***

The author's views in this publication do not necessarily reflect the views of the USDA/FAS Santo Domingo office.



# Contact

Please do not hesitate to contact the offices below with questions or comments regarding this study or to request assistance.

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# Project Purpose

The present project aims to catalogue all administrative procedures and legal requirements to export food products to the Dominican Republic, including:



- ✦ Identification of legal and administrative requirements involved in each step from door-to-door export process to Dominican Republic.
- ✦ Estimates of governmental fees related to the fulfillment of each request.
- ✦ Indication of standard documents generated during the export process.
- ✦ Highlight of existing differences in procedures/time/cost between the legal (theoretical) and practical course of actions throughout the import process.

- ✦ Data based on a survey and research conducted in conjunction with third party to capture standard export procedures for food products.
- ✦ Companies surveyed are distributors/retailers, domestically owned of limited liability.
- ✦ Government agencies considered are those involved in whichever stage of the import process for food products, including policy makers.
- ✦ The study includes all necessary documents, permits, licenses, authorizations and notifications required by Dominican authorities.
- ✦ Procedures are considered only when interface with a third party (government or non-government) is made necessary. Each procedure is separated by its nature.
- ✦ Time is calculated in calendar days. The calculation is made from the moment it is initiated and lasts until it is completed.
- ✦ Costs measure fees, taxes, tariffs, services of third parties required to complete the clearance process.



# Dominican Agencies

The Ministry of Agriculture and the Ministry of Public Health and Social Assistance are the primary government regulators of food and beverages. Their jurisdiction follows:

Ministry of Agriculture	Ministry of Public Health and Social Assistance
<p><b>Consumer-oriented products</b></p> <p><b>Food:</b></p> <ul style="list-style-type: none"><li>✦Animal origin products (red meats and by-products, poultry meat and by-products, fish, seafood products, dairy products and eggs)</li><li>✦Plant origin products (fruits and by-products, vegetables and by-products)</li></ul>	<p><b>Consumer-oriented products</b></p> <p><b>Food:</b></p> <ul style="list-style-type: none"><li>✦All pre-packaged (processed)</li></ul> <p><b>Beverages:</b></p> <ul style="list-style-type: none"><li>• Mineral water, flavored waters, energy drinks, hydroelectrolitic beverages and soy beverages</li></ul>
<p><b>Departments</b></p> <ul style="list-style-type: none"><li>•Department of Agricultural and Livestock Promotion</li><li>•Department of Animal Health</li><li>•Department of Plant Protection</li><li>•General Directorate of Livestock</li></ul>	<p><b>Departments</b></p> <p>General Directorate of Drugs, Foods and Sanitary Products (DIGEMAPS)</p>
 <p>MINISTERIO DE AGRICULTURA</p>	 <p>MINISTERIO DE SALUD PUBLICA</p>



# Case Study

## Condiments and Sauces





# PRE-EMBARKATION

# EMBARKATION

# IMPORT CLEARANCE

## 1.Trademark Registration

## 2.Technical Form (when applicable)

## 3.Market Authorization

### Government Agency

National Office of Industrial Property (ONAPI, per its Spanish acronym)

### Documents

One original version and one hard copy of the letter addressed to the Director of the Department of Distinctive Signs, requesting the registration of the trademark in question and indicating the following information: applicant's name and address; mercantile registry number and national taxpayer number (in case of a Dominican applicant); goods and/or services to be protected pursuant to the International Nice Classification of Goods and Services; and printed versions of the trademark's design (when applicable).

### Procedure

The application process begins with the filing of the trademark application.  
If the mark is approved in the substantive evaluation stage, publication fees must be paid.  
Afterwards, the trademark is published in the Official Gazette of the ONAPI.  
As from said publication date, third parties have 45 days to file for opposition against the application.  
If no third party contests the application within this period, the registration certificate is issued which is renewable for subsequent periods of ten (10) years each.

### Process Initiator

It should be carried out by the owner of the trademark or by the distributor if the latter has a Power of Attorney for these matters.

### Timeframe

Approximately 3 to 4 months.

### Governmental fees

Depends on whether the trademark in question is a word or a design application and/or amount of classes requested. A word application under one international class amounts to RD\$5,735.00. These expenses do not include attorney's fees.

### Inquiries

#### National Office of Industrial Property (ONAPI)

Av. Los Próceres No. 11

Santo Domingo, National District, Dominican Republic

Tel.: (809) 567-7474

Fax: (809) 732-7758

E-mail: [servicioalcliente@onapi.gob.do](mailto:servicioalcliente@onapi.gob.do)

Home Page: <http://www.onapi.gob.do>

## PRE-EMBARKATION

1. Trademark Registration

## EMBARKATION

2. Technical Form (when applicable)

## IMPORT CLEARANCE

3. Market Authorization

The technical form is a document generally required only for the first import of agricultural products. Once said product has been imported, the technical form may no longer be required. ■

# PRE-EMBARKATION

# EMBARKATION

# IMPORT CLEARANCE

1.Trademark Registration

2.Technical Form (when applicable)

3.Market Authorization

## Government Agency

General Directorate of Drugs, Foods and Sanitary Products (DIGEMAPS) of the Ministry of Public Health and Social Assistance (MISPAS, per its Spanish acronym)

## Documents

- One original version and one copy of the letter addressed to the Minister of Health and Social Assistance of the Dominican Republic requesting the market authorization (or health permit) (registro sanitario) application of the product and indicating:
  - Name, Address and Phone Number of the Requester;
  - Name of the Product;
  - Type of Product and Commercial Name;
  - Name or Company Name of the Manufacturer;
  - Location and Address of the Manufacturer;
  - Characteristics of the Container and/or Package.
- Two Copies of the Mercantile Registry of the Importer;
- Qualitative and Quantitative Formula of the product;
- Three original samples of the product, with the same presentation in which it be sold in the market for human consumption;
  - For solid products, 250 grams
  - For liquid products, 250 milliliters
- Labeling Format in Accordance to NORDOM 53: Labeling for Pre-Packaged Foods;
- Legalized Document (Power of Attorney) designating the legal representative of the product in the country.
- Free Sale Certificate (FSC - "Certificado de Libre Venta"), duly legalized, when the product is imported.

# PRE-EMBARKATION

# EMBARKATION

# IMPORT CLEARANCE

## 1.Trademark Registration

## 2.Technical Form (when applicable)

## 3.Market Authorization

**Procedure** The application process begins with the filing of the application.

Afterwards, the samples provided along with the application are sent by the Ministry of Public Health and Social Assistance to the National Laboratory "Dr. Defilló" or to another authorized laboratory by the Ministry, to run a health analysis on the product, namely: "Instituto de Innovación en Biotecnología e Industria (IIBI)" and the "Laboratorio Agroempresarial Dominicano (LAD)." Once the analysis and the application are approved, the Ministry issues a Market Authorization Certificate with a registration number. The authorization can be renewed every five (5) years and can be renewed indefinitely.

**Process Initiator** Generally, it is carried out by the legal representative/local distributor of the product in the country, but can also be done by the manufacturer. For such purposes, the foreign manufacturer has to appoint a local distributor before the application is submitted to the Ministry of Public Health and Social Assistance.

**Timeframe** Approximately 3 months, however, it may take longer because there is no timeframe established by law.

**Governmental fees** Amount to a total of RD\$4,000.00. This payment must be separated.  
A certified check must be made in the name of "Dirección General de Salud Ambiental" for the sum of RD\$1,600.00 and another one must be made in the name of "Ministerio de Salud Pública y Asistencia Social" for the sum of RD\$2,400.00.  
These expenses do not include attorney's fees.

**Inquiries** **Ministry of Public Health and Social Assistance (MISPAS)**

C/ Héctor Homero Cruz esq. Tiradentes  
Ensanche La Fe  
Santo Domingo, National District, Dominican Republic  
Tel.: (809) 541-3121  
E-mail: [correo@salud.gob.do](mailto:correo@salud.gob.do)  
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## PRE-EMBARKATION

### 4. Labelling

## EMBARKATION

### 5. Invoice or Pro-Forma Invoice

## IMPORT CLEARANCE

### 6. Tariff Quotas and Concessions Processes

Legislation requires the following information on the product's packaging materials:

- name of the product;
- list of ingredients;
- net weight;
- manufacturer and importer's name and address;
- the importer's industrial registry number (granted by PROINDUSTRIA);
- marketing authorization number (granted by the Ministry of Public Health and Social Assistance);
- country of origin;
- batch identification number;
- manufacturing date;
- expiration date;
- instructions for conservation of the product; and,
- instructions for use.

The text must be in Spanish language; it must be legible and intelligible for consumers. For products whose label is not in the Spanish language, an adhesive sticker can be used on the original label, containing all of the required information.

The US exporter should forward a sample of the package to the importer to facilitate label development.

## PRE-EMBARKATION

### 4. Labeling

## EMBARKATION

### 5. Invoice or Pro-Forma Invoice

## IMPORT CLEARANCE

### 6. Tariff Quotas and Concessions Processes

Before shipment, an invoice or pro forma invoice must be sent to the Dominican importer given that this document is used for obtaining the Guidance Letter and authorizations before the Ministry of Agriculture and initiates the import clearance process.

Upon arrival of the goods, the importer must have received the original invoice since it will be used to clear the goods and for payment of tariffs, duties and taxes.



## PRE-EMBARKATION

### 4. Labeling

## EMBARKATION

### 5. Invoice or Pro-Forma Invoice

## IMPORT CLEARANCE

### 6. Tariff Quotas and Concessions Processes

Currently, they are two different and separate processes to request tariff quotas in the Dominican Republic:

- Allocation of Tariff Quotas granted to the United States of America, under DR-CAFTA; and
- Tariff Quotas to products listed in the Technical Rectification of List XXIII made by the Dominican Republic before the World Trade Organization (WTO) (regulated agricultural products).

#### **Tariff Quota Allocations under DR-CAFTA**

Any individual or legal entity, residing in the Dominican Republic, may request the allocation of tariff quotas, with the exception of industry associations or nongovernmental organizations, of the tariff concessions granted to the United States.

#### **Government Agency**

Office of Agricultural Trade Agreements (OTCA, per its Spanish acronym)

#### **Tariff Quota Application and Documents**

- Written application to participate in the allocation process of tariff quotas, with the following documents:
- In case of Individuals:
  - copy of identification card;
  - copy of the National Taxpayer Registry as an individual;
  - description of individual's economic activity;
  - certification issued by the General Director of Customs, which guarantees the import history of the goods requested;
  - information on physical infrastructure (i.e., copy of deed or lease, including additional photos of physical space);
  - current safety certificate or market authorization, issued by the General Directorate of Drugs, Foods and Sanitary Products (DIGEMAPS) of the Ministry of Health and Social Assistance, certifying the safety conditions for handling the goods requested; and
  - designated address, phone, mobile and fax for notifications.

## PRE-EMBARKATION

### 4. Labeling

## EMBARKATION

### 5. Invoice or Pro-Forma Invoice

## IMPORT CLEARANCE

### 6. Tariff Quotas and Concessions Processes

#### **Tariff Quota Application and Documents**

In case of Legal Entities:

- copy of National Taxpayer Registry number;
- copy of the Mercantile Registry Certificate issued by the competent Chamber of Commerce and Production;
- certification issued by the General Directorate of Customs, guaranteeing the import history of the goods requested;
- copy of the last General Assembly of Shareholders, duly registered by the competent Chamber of Commerce and Production;
- designation of the legal representative of the company, duly notarized and legalized by the Attorney General of the Dominican Republic;
- copy of the identity card of the legal representative of the company;
- information on infrastructure, (i.e., copy of deed or lease, including additional photos of physical space);
- current safety certificate or market authorization, issued by the General Directorate of Drugs, Food and Sanitary Products (DIGEMAPS) of the Ministry of Public Health and Social Assistance), certifying the safety conditions for handling the goods requested; and,
- designated address, phone, mobile and fax for notifications.



## PRE-EMBARKATION

### 4. Labeling

## EMBARKATION

### 5. Invoice or Pro-Forma Invoice

## IMPORT CLEARANCE

### 6. Tariff Quotas and Concessions Processes

#### Allocation Process

- The Commission (integrated by the Minister of Industry and Commerce, the Director of the Customs' House, the Minister of Agriculture and the Administrative Secretary to the President) publishes in at least one national newspaper and on the websites of the Ministry of Agriculture ([www.agricultura.gob.do](http://www.agricultura.gob.do)) and the Office of Agricultural Trade Agreements ([www.otcasea.gob.do](http://www.otcasea.gob.do)), the information on Tariff Quotas available for the next calendar year, no later than October 1st of each year.

- The deadline for submitting Tariff Quota applications will be fifteen (15) business days after the date of publication of the Notice of Availability.

- The allocation of the volumes of tariff quotas will be based on:

- historical record of the total imports of agricultural goods carried out by the interested party during the past three (3) consecutive calendar years, preceding the calendar year in which the tariff quota is available;
- the quantities requested by the interested parties, provided they are commercially viable; and,
- the quantities available for Traditional Importers and New Importers, in the corresponding calendar year.

- The tariff quotas shall be allocated as follows: (a) eighty percent (80%) to Traditional Importers and (b) twenty percent (20%) to New Importers.

- After the allocation has been granted and published in a national newspaper by the Commission, the importer must obtain a Zoosanitary Guidance Letter, prepared by the Department of Animal Health of the General Directorate of Livestock (if applicable). The aforementioned process is done so by inter-agency cooperation. In other words, the importer does not have to go through the process of obtaining the Zoosanitary Guidance Letter. The Guidance Letters are then delivered to the Department of Agriculture and Livestock Promotion along with the commercial or pro forma invoice, for issuance of the authorization.

## PRE-EMBARKATION

## EMBARKATION

## IMPORT CLEARANCE

### 4. Labeling

### 5. Invoice or Pro-Forma Invoice

### 6. Tariff Quotas and Concessions Processes

### Import authorization process for regulated agricultural products and by-products of plant and animal origin, protected by the Technical Rectification of List XXIII made by the Dominican Republic before the World Trade Organization

Under the provisions of Article XXVIII of the General Agreement on Tariffs and Trade (GATT) of 1994, the Dominican Republic made a Technical Rectification of its List XXIII of Tariff Concessions for eight (8) agricultural products. In particular: garlic, rice, sugar, chicken meat, onions, beans, powdered milk and corn.

The Assigned Quotas to the Products of the Technical Rectification are as follows:

Products of the Technical Rectification				
Products	Headings and Subheadings	Volume T.M.	Basic Tariff %	Non-Quota Tariff %
Rice	10.06	17,810	20	99
Garlic	0703.20	4,500	25	99
Sugar: Refined / Brown	17.01	30,000	20/14	85
Chicken Meat	0207.10, 0207.21 and 0207.41	11,500	25	99
Onion	0703.10	3,750	25	97
Beans	0713.31, 0713.32 and 0713.33	18,000	25	89
Milk	0402.10, 0402.21 and 0402.29	32,000	20	56
Corn	10.05	1,091,000	Does Not Apply	Does Not Apply

## PRE-EMBARKATION

4. Labeling

## EMBARKATION

5. Invoice or Pro-Forma Invoice

## IMPORT CLEARANCE

6. Tariff Quotas and Concessions Processes

### **Import authorization process for regulated agricultural products and by-products of plant and animal origin, protected by the Technical Rectification of List XXIII made by the Dominican Republic before the World Trade Organization**

- The Commission for Agricultural Imports (integrated by the Minister of Industry and Commerce, the Director of the Customs' House, the Minister of Agriculture and the Administrative Secretary to the President) publishes an Annual Calendar for the Import of Tariff Quotas of the products listed in its Technical Rectification.
- These products are placed for public auction organized by the Agribusiness Exchange of the Dominican Republic (BARD, per its Spanish acronym). The Commission and the BARD publish, in a national newspaper, the calendar for the import of the tariff quotas and organize the public auction on the set date.
- After those products have been awarded, the BARD issues an auction certification to be used before the General Directorate of Customs, for the import clearance.
- Additional quantities can be placed for auction in a calendar year.
- After the tariff quotas have been assigned, the importer must obtain a Zoosanitary Guidance Letter.
- The Guidance Letter is then delivered to the Department of Agriculture and Livestock Promotion along with the commercial or pro forma invoice, for issuance of the authorization.
- Depending on the product and if it is pre-packaged, the importer must obtain a market authorization.



## PRE-EMBARKATION

## EMBARKATION

## IMPORT CLEARANCE

### 10. Bill of Lading or Airway Bill

### 11. Import Declaration

Shipping instructions advise all the details of the cargo and exporter's requirements for its physical movement. It contains the information related to the sale and the merchandise's conditions upon embarkation, such as the quantity of product, form of payment, transport temperature, packaging, pallet used, among others.

In the Dominican Republic, depending on the product in question, several conditions must be met:

- The ship's containers must be cleaned and disinfected before placing the products for shipping.
- All wood packaging must comply with the International Standard for Phytosanitary Measures (ISPM) No. 15, to reduce the risk of introduction and spread of forest pests and diseases.

The importer must prepare the Import Declaration through the Automated System for Customs Management (SIGA, per its Spanish acronym). Nonetheless, only companies can present the Import Declaration through the SIGA. Individuals must file directly before the General Directorate of Customs.

The process for the importation is initiated when the shipping company presents the import cargo manifest. The Import Declaration is presented electronically through the SIGA and the following information must be provided: goods to be imported, quantity, description, value, tariff code, weight, and must contain attached scanned copies of the documents related to the importation.

The following documentation must be scanned:

- commercial invoice;
- bill of lading or airway bill;
- market authorization certificate;
- zoosanitary Guidance Letter and authorization;
- certificate of origin;
- custom agent's ID card;
- auction certificate issued by the BARD (for products included in the Technical Rectification),
- among other documents.

The governmental authority reserves the right to require additional documentation. These documents will be required in original upon arrival of the goods along with the bill of lading or the airway bill.

To declare the goods through SIGA, the Single Customs Declaration Form (DUA, per its Spanish acronym) must be completed. Both the importer and the customs agent have the authorization in a Token previously supplied by the General Directorate of Customs (DGA, per its Spanish acronym). The Token is an electronic device able to access the DGA's database for the details related to the import declaration in question.

Importers have ten days counting from the date of arrival of the goods to present the Import Declaration. Failure to do so will result in sanctions for late declaration.



## PRE-EMBARKATION

## EMBARKATION

## IMPORT CLEARANCE

1.1. Inspection Request to Quarantine Office at Port of Entry / Quarantine Controls (when applicable)

1.2. Import Taxes

1.3. Standard Documents

1.4. Customs' Evaluation

1.5. Product release

After the import declaration process has been carried out, the consignee can request the physical inspection, under the governmental authority's discretion, of the goods through the SIGA. This is done along with the customs inspectors and the supplementary control staff, which may include personnel from the Ministry of Agriculture, through the Divisions of Plant and Animal Protection, and the Ministry of Public Health and Social Assistance, among other competent authorities.

Once the physical inspection has been verified with the declaration and the original documents (which had been previously scanned), the file is revised by the Technical Department for verification of the tariff codes, value, commercial agreement, technical rectification, safeguard measurements, and tariff quota allocations, among others. Once the file has been approved and closed, payment can be made and the goods may be cleared.



# PRE-EMBARKATION

# EMBARKATION

# IMPORT CLEARANCE

1.1. Inspection Request to Quarantine Office at Port of Entry / Quarantine Controls (when applicable)

12. Import Taxes

13. Standard Documents

4. Customs' Evaluation

5. Product release

The General Agreement on Tariffs and Trade (GATT) of 1994, establishes that the customs value must be based as far as possible in the price actually paid or payable, generally indicated in the commercial invoice for the goods being valued. This price is called transaction value and is the primary basis for determining the customs value. If this does not exist, or if the price paid or payable could not be accepted as the basis for valuation, this Agreement provides five other procedures on the faculty of the importer to request reversal of the application of the method for valuation.

To liquidate the goods, it is necessary to take into account several aspects:

- The proper tariff code must be assigned.
- The calculation of tax settlement is obtained by subtracting the tariff quota percentage from the CIF value, this amount is called Tariff; afterwards, both quantities (CIF + Tariff) are added, the 18% of ITBIS is applied to its sum. The ITBIS is also collected by Customs for encumbered goods.
- In addition, Selective Tax on Consumption may be applied to certain products, such as alcohol.

Payment can be made physically through a certified check or administration check. Payment of duties and taxes must be made out to "Colector de Aduanas" and tariffs for customs services must be made out to "Dirección General de Aduanas". All payments can be paid in any of the local customs offices. However, the person carrying out the payment must be certified as such by the importer.

Payment can also be made electronically, through the e-banking pages of the following local banks: Banco Popular Dominicano, City Bank, BHD-León and Nova Scotia (Scotiabank). An access pin, administered by the commercial bank, must be obtained.

In case of disputes, parties may refer themselves to the administrative tribunals of the Dominican Republic, may recur to arbitration or may appeal to the Dispute Settlement Body of the WTO.





US Exporters and local importers will deal with 12 different documents, generated during the import process.

- 1.Trademark Certificate;
- 2.Free-Sale Certificate;
- 3.Manufacturing process diagram;
- 4.Qualitative and quantitative formulas;
- 5.Authorizations granted to the local importer or third parties;
- 6.Product Label;
- 7.Pro Forma Invoice;
- 8.Commercial Invoice;
- 9.Import Declaration;
- 10.Bill of Lading or Airway Bill;
- 11.Market Authorization; and,
- 12.Petition for sanitary inspection (for quarantine purposes) and clearance.







The inspectors of the Customs' Agency will proceed to verify that the quantities and requirements of the Guidance Letters have been met.

Furthermore, the inspectors will confirm that the goods that require Market Authorization, have their corresponding certificate.

The Customs' inspectors will also verify that the goods are accompanied by the documentation that was electronically submitted through SIGA.





Once the Customs' inspectors have verified that all the documentation requested is present, that the quantities have been met and that the taxes have been paid, they will proceed to release the products. ■